PRESIDENT: What the official member understands by 'public document' is that if a person applies for a copy of it he can get it not public in the sense that it is available to the members of this House.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): Has it been finally decided to prefer an appeal?

MR. R. PITCHU AIYANGAR (*Ag. Commissioner of Police*): The matter has been referred to the Head Sirkar Vakil to see whether there are grounds for an appeal?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): How long is it since it was referred to the Head Sirkar Vakil?

MR. R. PITCHU AIYANGAR (*Ag. Commissioner of Police*): About a month.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Are the Government sure that the time allowed for preferring the appeal has not expired?

MR. R. PITCHU AIYANGAR (*Ag. Commissioner of Police*): I am not sure, because I do not remember the date.

MR. V. K. VELAPPAN NAIR (*Vaikam*): Is Mr. Thomas Varghese related to the present Chief Justice?

MR. R. PITCHU AIYANGAR (*Ag. Commissioner of Police*): He is his brother.

MR. K. PADMANABHAN (*Chirayinkil I*): May I know whether the accuseds were prevented by the District Judge from engaging their own Vakil to defend them?

MR. R. PITCHU AIYANGAR (*Ag. Commissioner of Police*): No.

SADASYA TILAKAN T. K. VELU PILLAI (*Trivandrum-Urban*): Is it the policy of the Government to interfere in matters of discretion vested with Judicial Officers? Have the Government ever interfered in the appointment of Vakils for Crown defence?

MR. R. PITCHU AIYANGAR (*Ag. Commissioner of Police*): No, Sir.

MR. R. SAMBASIVA AIYAR (*Kunnatnad I*): In the matter of appointing Vakils for Crown defence, is there any principle other than that the Vakil should be one practising before the Court?

MR. R. PITCHU AIYANGAR (*Ag. Commissioner of Police*): Government are not aware.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): I beg to submit one point for the consideration of the Chair, Sir. In answer to a question by Mr. T. P. Velayudhan Pillai, the Commissioner said that the Sessions Judge must be asked. If the Government member is not in a position to give the information asked for, he should either claim notice or say that he has no information. Is it fair to ask the honourable member who puts the question to go and put the question to the Sessions Judge concerned or to some one else to get the information he wants?

PRESIDENT: That is neither the correct procedure nor etiquette.

The Kallara market.

109. ***MR. S. J. NAIR** (*Nedumangad*): Will the Government be pleased to state:

(*a*) whether there is any proposal to shift the Kallara market from its present site to any other site; and

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. S. J. Nair.]

(*b*) whether there is any rule or order that public markets shall not be opened in the proximity of educational institutions?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): (*a*) Yes.

(*b*) No.

MR. S. J. NAIR (*Nedumangad*): With reference to part (*a*), may I know the reasons for shifting the market from its present site?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): The site is not quite suited for a public market.

MR. S. J. NAIR (*Nedumangad*): Is the site located in a junction, or in an out of the way place?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): First of all, it is not extensive enough for holding the market; it is only 25 cents. Further, it is on an elevation and the land is sloping. Therefore it is considered unsuited for holding the market.

MR. S. J. NAIR (*Nedumangad*): Has not the owner of the present site offered to surrender free of compensation 50 cents or more of his land in order that the present market may be continued in its present site?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): He has not offered more than 50 cents. He has offered to surrender 25 cents more. But that is not enough.

MR. S. J. NAIR (*Nedumangad*): What is the minimum area required for the market?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): No such minimum has been prescribed. The point is whether, considering the importance of the place and the demand of the public, the area of the present site and the lie of the ground would suit the purpose. It is reported that there is demand in the locality for a much bigger market there.

MR. S. J. NAIR (*Nedumangad*): Considering the demand from the people of this locality, what is the extent required in order that the market may be continued in the present site?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): The present site is not suitable; that is the opinion of the Division Peishkar.

MR. S. J. NAIR (*Nedumangad*): What are the reasons for such opinion?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): I have already mentioned the reasons. I said——

PRESIDENT: No member need repeat his answers.

MR. S. J. NAIR (*Nedumangad*): Has not the owner of the present site offered to surrender more lands free of compensation and to level up the ground at his cost, provided the market would be continued in the present place?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): Even then, only 50 cents would be available; and that is not enough for this market.

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. S. J. NAIR (*Nedumangad*): Will the Government allow the market to continue in its present site, if the owner of the site agrees to surrender more than 50 cents?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): Government have already decided to shift the market to another site.

PRESIDENT: The offer is too late. Tell the party like that, Mr. Nair.

MR. S. J. NAIR (*Nedumangad*): Did not the party make the offer even several months ago?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): His petition is dated 14th May 1936. But the sanction for shifting the market to another place was accorded even a month earlier.

MR. S. J. NAIR (*Nedumangad*): May I know whether the party or the people of the locality had not submitted petitions to the Government that more lands would be surrendered free of compensation, even prior to the date on which the Government sanctioned the shifting of the market from its present site?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): I am not aware of that.

MR. S. J. NAIR (*Nedumangad*): For how many years has the market been in existence in its present site?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): It was being held in the present site in 1106 and 1107; in 1108 no license was given; again license was given in 1109; again license was refused in 1110. For 1111 license has been given only for holding an evening market there; still, it seems a day market is being held there; and the party is being prosecuted for that.

MR. S. J. NAIR (*Nedumangad*): Are the Government aware of the number of shops and other buildings that have been erected in the locality on account of the market?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): No, Sir.

MR. S. J. NAIR (*Nedumangad*): Are the Government aware that the new site is inside a private compound?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): After it is surrendered, it will be completely enclosed, and it will be absolutely in the hands of the Government.

MR. S. J. NAIR (*Nedumangad*): Even then, will it not be surrounded on all sides by private properties?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): But, there will be free access to the market.

MR. S. J. NAIR (*Nedumangad*): Have the Government considered all these aspects of the question and satisfied themselves that the shifting that has been decided upon will be for public good or for the benefit of any one individual?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): It is going to be a public market in the new site and that is always a better arrangement in public interests than a private market. No individual is sought to be benefited at all by the shifting.

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. S. J. NAIR (*Nedumangad*): Even if a public market is held there, will it not lead to profiteering since it is surrounded on all sides by properties belonging to private individuals?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): That is a matter of opinion.

MR. S. J. NAIR (*Nedumangad*): Will not the owners of the shops and other buildings, erected near the present site of the market, suffer on account of the proposed shifting?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): That also is a matter of opinion.

MR. S. J. NAIR (*Nedumangad*): Have the Government satisfied themselves that the proposed shifting will be in the interests of the people at large?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): Yes, Sir; that is always the objective of the Government.

MR. S. J. NAIR (*Nedumangad*): Do the Government hold that the location of a public market within a private compound is in public interests?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): There will be a road directly leading to the market.

PRESIDENT: Mr. Nair, have you written out all these questions, or do they all come one after another from your brain? (*Laughter.*)

MR. S. J. NAIR (*Nedumangad*): I have not written out any questions, Sir.

PRESIDENT: Yours must be a wonderfully retentive memory, Mr. Nair. (*Laughter.*)

MR. S. J. NAIR (*Nedumangad*): Which is the road that leads to the proposed site?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): The Peishkar says.

> "The area proposed to be surrendered has got a convenient approach from the main road."

MR. S. J. NAIR (*Nedumangad*): Is not the approach through a private compound?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): That is not my information, Sir. If that is found to be so, we will make a fresh free approach to the market.

MR. S. J. NAIR (*Nedumangad*): Will the Government postpone final orders, on the question of shifting the market to the proposed site, till they satisfy themselves that it would be in the interests of the public to shift the market from its present site to the proposed site?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): I shall look into the matter, Sir.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): May I know how many Kallara markets there are in Nedumangad?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): Only one.

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): May I know whether the Kallara market which is the subject matter of this interpellation is the same as the Kallara market about which interpellations were more than once answered on the floor of this House?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): I cannot say.

LIBRARY ARCHIVES Kerala Legislative Assembly